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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,024	05/10/2006	Xiaohui Jin	CN03 0037 US1	6431

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PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
INTELLECTUAL PROPERTY & STANDARDS
370 W. TRIMBLE ROAD MS 91/MG
SAN JOSE, CA 95131

EXAMINER
TRINH, TAN H

ART UNIT	PAPER NUMBER
2618	

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02/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/579,024	JIN ET AL.
	Examiner	Art Unit
	TAN TRINH	2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 May 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-34_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,13,23 and 24_ is/are rejected.

7)☒ Claim(s) _3-12,14-20 and 25-34_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _10 May 2006_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on 05-10-2006, the information

disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-2, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada

(U.S. Patent No. 5,740,531) in view of Hamalainen (U.S. Patent No. 6,477,176).

Regarding claims 1 and 23, Okada teaches a method for a mobile terminal in mobile

communication systems to transfer non-speech data over voice channel (see fig. 5, col. 1, lines

46-54), comprising steps of: (a) detecting whether the speech burst sent to another mobile

terminal is over (see fig. 5 and 6, Burst for communication channel (B), col. 2, lines 20-37, and

col. 3, lines 48-66). But Okada does not mention the step (b) checking whether there is non-

speech data to be sent to the another mobile terminal if detecting that the speech burst is over ;

(c) sending at least one non-speech data to said another mobile terminal via voice channel if

there is non-speech data to be sent.

However, Hamalainen teaches the step (b) checking whether there is non-speech data to be sent to the another mobile terminal if detecting that the speech burst is over (see col. 3, lines 45-63, and col. 4, lines 62-67); (c) sending at least one non-speech data to the another mobile terminal via voice channel if there is non-speech data to be sent (see col. 3, lines 63-67, and col. 4, lines 11-44, and lines 58-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Okada with Hamalainen, in order to provide the normal data service specified in the system, and the traffic channel is used to transfer data frames related to this service instead of speech frames (see suggested by Hamalainen in col. 4, lines 40-44).

Regarding claims 2 and 24, Hamalainen inherently teaches wherein before step (a), further including steps of: (i) encapsulating the non-speech data to be sent to the another mobile terminal into IBD (In-Band Data) frames; (ii) storing the IBD frames in a buffer (see figs. 4-7, col. 4, lines 62-col. 5, lines 5, and col. 5, lines 60-15). In this case, the DTX period, the sending data as a background process is start, the SB is on both side of the training period, when the bit set to 1, the terminal and BS know that the incoming bursts contain data, and the SB set to 0 or 1, the data is question is signaling data, that is obvious IBD (In-Band Data) frames (see fig. 4 and 7, with the SB bit).

4.   Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamalainen (U.S. Patent No. 6,477,176).

Regarding claim 13, Hamalainen teaches a method for a mobile terminal to transfer non-speech data in voice channel (see fig. 1-7, col. 1, lines 32-36, col. 2, lines 37-46), comprising steps of: (i) detecting the received frame from another mobile terminal (see col. 3, lines 45-63, and col. 4, lines 62-67); (ii) storing, if the received frame is a IBD (In-Band Data) frame, the IBD frame (see fig, 4-7, col. 2, lines 37-49, col. 3, lines 34-40 and lines 63-67, and col. 4, lines 11-44, and lines 58-67), and col. 4, lines 62-col. 5, lines 5, and col. 5, lines 60-15). In this case, the DTX period, the sending data as a background process is start, the SB is on both side of the training period, when the bit set to 1, the terminal and BS know that the incoming bursts contain data, and the SB set to 0 or 1, the data is question is signaling data, that is obvious IBD (In-Band Data) frames (see fig. 4 and 7, with the SB bit). (iii) generating background noise by using the previously received SID frame (see fig. 1, comfort noise generator 5, col. 3, lines 41-63). In this case, the comfort noise generator 5 is generating the back ground noise, and sending SID frame is to produce.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Hamalainen, in order to provide the traffic channel is used to transfer data frames related to this service instead of speech frames (see suggested by Hamalainen on col. 4, lines 43-44).

Allowable Subject Matter

5.   Claims 3-12, 15-22 and 25-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

6.   The following is an examiner's statement of reasons for allowance:

Regarding dependent claims 3, 14 and 25, the reference of Okada and Hamalainen

teaches a method for a mobile terminal in mobile communication systems to transfer non-speech

data over voice channel (see Okada fig. 5, col. 1, lines 46-54). However, Okada or Hamalainen

alone or in combination with other prior art of record, fail to discloses the IBD code word for

marking said IBD frames is composed of the SID (Silence Description) code word for marking a

SID frame, and the value of each bit selected from the bits that form the SID code word, for

differentiating the IBD code word from the SID code word, can't be the same as that of each bit

for marking the SID code word, as specified in dependent claims 3, 14 and 25.

Regarding dependent claims 5, 15 and 26, the reference of Okada and Hamalainen

teaches a method for a mobile terminal in mobile communication systems to transfer non-speech

data over voice channel (see Okada fig. 5, col. 1, lines 46-54). However, Okada or Hamalainen

alone or in combination with other prior art of record, fail to discloses; the IBD code word for

marking said IBD frames is composed of all bits for carrying Block Amplitude parameter and at

least one bit selected from the SID code word for marking said a SID frame, and the value of

each said bit for carrying Block Amplitude parameter is zero, and the value of each said bit

selected from the SID code word can't be the same as that of each bit for marking the SID code

word, as specified in dependent claims 5, 15 and 26.

Regarding dependent claims 6, 16 and 27, the reference of Okada and Hamalainen

teaches a method for a mobile terminal in mobile communication systems to transfer non-speech

data over voice channel (see Okada fig. 5, col. 1, lines 46-54). However, Okada or Hamalainen

alone or in combination with other prior art of record, fail to discloses; the IBD code word for

marking said IBD frames is composed of the SID code word for marking a SID frame and at

least one reserved bit not included in the SID code word, as specified in dependent claims 6, 16

and 27.

Conclusion

7.   **Any response to this action should be mailed to:**

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window (now located at

*the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The

examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners

supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is

assigned is **(571) 273-8300.**
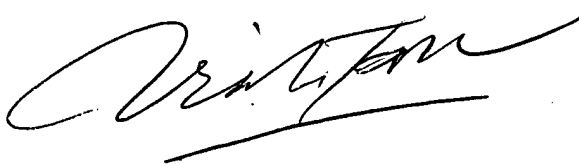
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

9.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
February 7, 2008

**PATENT EXAMINER
TRINH,TAN**